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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,063	11/03/2000	Brendan Solan	200-0621	6644

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EXAMINER

RODRIGUEZ, PAUL L

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/25/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/706,063	SOLAN ET AL.	
	Examiner	Art Unit	
	Paul L Rodriguez	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25, 27-30 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25, 27-30 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The request for continued examination 2/25/04 and the amendment filed 1/23/04 have been received and considered. Claims 21-25, 27-30 and 30-36 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/04 and amendment filed 1/23/04 has been entered.

Claim Objections

3. Claims 21-25, 27-30 and 30-36 are objected to because of the following informalities:

Claim 21 line 7 refers to "the tag", previously and also later referred to as "a selectively readable tag" and "the selectively readable tag". Reference to the same elements should remain consistent to avoid any possible antecedent problems in the claims.

Claim 21 line 12, refers to "a vehicle to be repaired", claim 21 lines 1-2 also recites "a vehicle to be repaired", unclear if this is referring to the same limitation or another, could create an antecedent problem in the claim.

Claim 21 line 17 refers to “the selectively readable tags”, previously the claim only referred to a single tag on a received vehicle, never a mention of plural tags, could create an antecedent problem in the claim.

Claim 21 lines 19-21 refer to “the vehicle”, unclear if this is referring to the “vehicle to be repaired” or the “vehicle within the storage facility”, these vehicles could be one in the same or separate and distinct, could create an antecedent problem in the claim.

Claim 22 line 1, claim 23 line 2, claim 24 line 3, claim 27 line 2 and claim 28 line 2 all refers to “the tag”, would be better as “the selectively readable tag”, could create an antecedent problem in the claims.

Claims 23-25, 27, 28, 30, 33, 34 and 36 all refer to “the vehicle”, unclear if this is referring to the “vehicle to be repaired” or the “vehicle within the storage facility”, it is presumed that these two could be one in the same however they could also be separate and distinct, could create an antecedent problem in the claim.

Claim 29 line 6 refers to “the vehicle”, previously “a vehicle to be repaired” and “an assembled vehicle”, unclear if this is the vehicle to be repaired or the assembled vehicle, these vehicles could be one in the same however they could also be separate and distinct, could create an antecedent problem in the claim.

Claim 29 line 7 refers to “the tag”, previously and also later referred to as “a selectively readable tag” and “the selectively readable tag”. Reference to the same elements should remain consistent to avoid any possible antecedent problems in the claims.

Claim 29 lines 8-9 refers to “the location of the vehicle”, a location was not previously recited, would be better as “a location” to avoid any possible antecedent problems in the claims.

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Claim 29 line 13, refers to “a vehicle to be repaired”, claim 21 lines 1-2 also recites “a vehicle to be repaired”, unclear if this is referring to the same limitation or another, could create an antecedent problem in the claim.

Claim 29 line 17 refers to “the selectively readable tags”, previously the claim refers to a single tag on a received vehicle, there is never a mention of plural tags, could create an antecedent problem in the claim.

Claim 29 lines 21-22 refer to “the vehicle”, unclear if this is referring to the “vehicle to be repaired” or the “vehicle within the storage facility”, these vehicles could be one in the same or separate and distinct, could create an antecedent problem in the claim.

Claim 30 line 3 and claim 33 line 3 refer to “the tag”, would be better as “the selectively readable tag”, could create an antecedent problem in the claim.

Claim 35 line 6 refers to “the tag”, previously and also later referred to as “a selectively readable tag” and “the selectively readable tag”. Reference to the same elements should remain consistent to avoid any possible antecedent problems in the claims.

Claim 35 lines 7-8 refer to “the location of the vehicle”, a location was not previously recited, would be better as “a location” to avoid any possible antecedent problems in the claims.

Claim 35 line 12 refers to “the tag reading device”, previously “at least one tag...”, would be better as “the at least one...” to avoid any possible antecedent problems in the claims.

Claim 35 line 19, refers to “a vehicle to be repaired”, previously “a new vehicle to be repaired”, unclear if this is referring to the same limitation or another, could create an antecedent problem in the claim.

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Claim 35 line 22 refers to “the tag reading device”, previously “at least one tag...”, would be better as “the at least one...” to avoid any possible antecedent problems in the claims.

Appropriate correction is required.

4. The examiner has provided a number of examples of the claim deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the claim objections.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-25, 27-30 and 30-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 21 recites the limitation "the vehicle" in line 6. There is insufficient antecedent basis for this limitation in the claim. Previously “a vehicle to be repaired”, “an assembled vehicle” and later “the vehicle”, “a vehicle to be repaired” and “the vehicle to be repaired”, it is clear that there is a distinction between the different vehicles however it is unclear as to which one “the vehicle” is referring to.

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7. Claim 21 recites the limitation "the stored location" in line 8. There is insufficient antecedent basis for this limitation in the claim. Previously "a vehicle to be repaired that is stored" and "storing the vehicle within a storage facility" however never claims a storage location.

8. Claim 21 recites the limitation "the shipping status" in line 8. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 21 recites the limitation "the vehicle" in line 15. There is insufficient antecedent basis for this limitation in the claim. Again, unclear if this is in reference to "the vehicle to be repaired" or "the vehicle within the storage facility".

10. Claim 21 recites the limitation "the repair" in line 18. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 25 recites the limitation "the shipping status indicator" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Previously the claim refers to "the shipping status", which is not the "shipping status indicator".

12. Claim 29 recites the limitation "the shipping status" in line 9. There is insufficient antecedent basis for this limitation in the claim.

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13. Claim 29 recites the limitation "the stored location" in line 10. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 29 recites the limitation "the repair" in line 20. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 35 recites the limitation "the vehicle" in line 6. There is insufficient antecedent basis for this limitation in the claim. Previously the claim refers to "a new vehicle to be repaired" and "a newly assembled vehicle" and later "the vehicle within the storage facility", "a vehicle to be repaired" and "the vehicle to be repaired", unclear as to which one is specifically being referred to.

16. Claim 35 recites the limitation "the stored location" in line 17. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 35 recites the limitation "the shipping status" in lines 17-18. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 35 recites the limitation "the repair" in line 26. There is insufficient antecedent basis for this limitation in the claim.

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19. Due to the number of 35 USC § 112 second paragraph rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejection(s), however, the list of rejections may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112 second paragraph problems and place the claims in a proper format.

20. Due to the vagueness and a lack of a clear definition of the terminology and phrases used in the specification and claims, the claims have been treated on their merits as best understood by the examiner.

Allowable Subject Matter

21. Claims 21, 29 and 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

22. The following is a statement of reasons for the indication of allowable subject matter:

While Ehrman et al (U.S. Pub 2001/0037298) discloses a method of identifying and locating a vehicle to be repaired (preparing for renting considered repairing) that is stored in a storage facility for storing vehicles prior to release (considered the same as shipment), comprising the steps of receiving an assembled vehicle at the storage facility for storing vehicles prior to release, storing the vehicle within the storage facility, placing a selectively readable tag on the vehicle, wherein the tag operatively identifies the stored location of the vehicle within the storage facility, saving the stored location of the vehicle within the storage facility in a computer

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database operatively in communication with the selectively readable tag, identifying a vehicle to be repaired using the computer database, updating the release status of the vehicle to be repaired in the computer database to prevent release of the vehicle, dynamically locating the vehicle to be repaired within the storage facility by operatively reading the selectively readable tags, performing the repair to the vehicle, and updating the release status of the vehicle in computer database to release the vehicle from the storage facility after the vehicle is repaired.

Worger et al (U.S. Pat 5,664,113) discloses a method of identifying and locating a vehicle to be repaired that is stored in a storage facility for storing vehicles prior to shipment, said method comprising the steps of receiving an assembled vehicle at the storage facility for storing vehicles prior to shipment, storing the vehicle within the storage facility, placing a selectively readable tag on the vehicle, wherein the tag operatively identifies the stored location of the vehicle within the storage facility and a status of the vehicle, saving the stored location of the vehicle within the storage facility and the status in a computer database operatively in communication with the selectively readable tag, identifying a vehicle to be repaired using the computer database, updating the status of the vehicle in the computer database to prevent shipment of the vehicle, dynamically locating the vehicle to be repaired within the storage facility by operatively reading the selectively readable tags, performing the repair to the vehicle, and updating the status of the vehicle in the computer database to release the vehicle for shipment from the storage facility after the vehicle is repaired.

Janman (U.S. Pat 6,163,278) discloses a method of identifying and locating a vehicle to be repaired that is stored in a storage facility for storing vehicles prior to shipment, said method comprising the steps of receiving an assembled vehicle at the storage facility for storing vehicles

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prior to shipment, storing the vehicle within the storage facility, placing a selectively readable tag on the vehicle, identifying a vehicle to be repaired using the computer database, dynamically locating the vehicle to be repaired within the storage facility by operatively reading the selectively readable tags and performing the repair to the vehicle.

Stewart et al (U.S. Pat 5,058,044) discloses a method of identifying a vehicle to be repaired that is stored in a storage facility for storing vehicles, receiving an assembled vehicle at the storage facility for storing vehicles, storing the vehicle within the storage facility, placing a selectively readable tag on the vehicle, wherein the tag operatively identifies the vehicle and a status, saving the vehicle information and status in a computer database operatively in communication with the selectively readable tag, identifying a vehicle to be repaired using the computer database, updating the status of the vehicle to be repaired in the computer database, performing the repair to the vehicle, and updating the status of the vehicle in the computer database after the vehicle is repaired.

While none of these reference taken either alone or in combination with the prior art of record disclose a method of identifying, locating, and recording information about a vehicle to be repaired, specifically including:

(Claim 21, 29) “wherein the tag operatively identifies the shipping status of the vehicle”, “updating the shipping status of the vehicle to be repaired on the selectively readable tag”, and “updating the shipping status of the vehicle on the selectively readable tag”,

(Claim 35) “assigning a shipping status indicator to the vehicle that is electronically stored on the tag”, “updating the shipping status of the vehicle to be repaired on the selectively readable tag”, and “updating the shipping status of the vehicle on the selectively readable tag”,

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in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicant's invention defines over the prior art of record.

Response to Arguments

23. Applicant's comments filed 1/23/04, see first full paragraph page 11, with respect to Ehrman et al have been fully considered and are persuasive. The rejection of pending claims has been withdrawn.

24. Examiner would like to point out that page 9 of the amendment filed 1/23/04 states "A substitute specification is submitted concurrent with this amendment to correct this informality". Examiner found only the substitute specification submitted 7/29/03 which was previously entered and contained the deficiency pointed out in the final office action of 11/28/03. Examiner acknowledges an amendment to the specification that was submitted as part of the amendment filed 1/23/04, the amendment has been entered and the objection is withdrawn. Reference to the substitute specification is still in question.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al (U.S. Pat 6,392,592) – teaches a hand held car locator which receives information regarding the location of the vehicle.

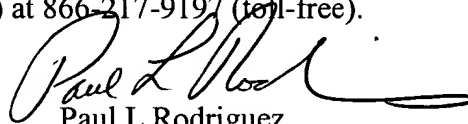
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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L Rodriguez whose telephone number is (703) 305-7399.

The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul L Rodriguez
Examiner
Art Unit 2125

PLR
3/18/04